IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 06th day of June, 2005
Criminal Misc. Bail application No. 353/2005
Order on the bail application of accused

CRIMINAL SIDE

1. Shankar Singh S/o Padam Singh
2. Kalyan Singh S/o Prem Singh
3. Prem Singh S/o Latta Singh

All R/o village Sirdhang
Patti Sirkha
P.S. Dharchula
District Pithoragarh .....Applicant

Versus

State of Uttaranchal

.....Opposite Party

Arising out of case crime No. 112/ 2005
U/s 376, 506 I.P.C.
P.S. Dharchula
District-Pithoragarh

Hon'ble J.C.S. Rawat, J.

Heard Sri G.B. Pande learned counsel for the applicants and learned A.G.A. for the State.

Perused the record. It has been alleged that the applicants-accused committed the rape of the victim. It was contended on behalf of the applicants that the applicants and the victim were living in the densely populated area, but he victim did not raise any hue and cry. It was further contended that there is no injury mark on the person of the victim. It was further contended that the applicant-Shankar Singh was the husband of the victim, but she has been divorced and there is an enmity between the parties. There is five days delay in lodging the FIR. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicants-accused be released on bail on executing a personal bond each and two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated: 06.06.2005
LSR